

ISMAIL J. RAMSEY (CABN 189820)
 United States Attorney
 MICHELLE LO (NYRN 4325163)
 Chief, Civil Division
 PAMELA T. JOHANN (CABN 145558)
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36045
 San Francisco, California 94102
 Telephone: (415) 436-7025
 Facsimile: (415) 436-7234
 pamela.johann@usdoj.gov

Attorneys for Defendant UNITED STATES
 DEPARTMENT OF LABOR

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE CENTER FOR INVESTIGATIVE
 REPORTING and WILL EVANS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 LABOR,

Defendant.

) Case No. 22-cv-07182-WHA

) **DECLARATION OF PAMELA T. JOHANN IN**
) **SUPPORT OF STIPULATED REQUEST TO**
) **MODIFY BRIEFING SCHEDULE FOR**
) **BELLWETHER SUMMARY JUDGMENT**
) **MOTIONS**

I, Pamela T. Johann, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Northern District of California, and I represent the United States Department of Labor in this matter. I am licensed to practice law in the State of California and to appear before this Court. I have personal knowledge of the following facts and if called to testify, I could and would competently testify thereto.

2. I submit this declaration in support of the Stipulated Request to Modify Briefing Schedule pursuant to Civil Local Rule 6-2(a).

3. The parties are requesting a modification of the briefing and hearing schedule for the

1 bellwether cross-motions for summary judgment to accommodate the schedules of DOL Agency
 2 Counsel and to provide sufficient time for DOL to file its opposition/reply brief, while maintaining a
 3 hearing date of November 9, 2023.

4 4. The parties' original proposed schedule provided nine weeks for Plaintiffs' cross-
 5 motion/opposition, four weeks for Defendant's opposition/reply, and three weeks for Plaintiff's reply.
 6 The Court's modified schedule maintains the nine weeks for Plaintiff's cross-motion/opposition and
 7 provide two weeks and one day for Defendant's opposition/reply and two weeks for Plaintiff's reply.
 8 The period for Defendant's opposition/reply includes a federal holiday on October 9. In addition, DOL
 9 Counsel is unavailable for most of the remainder of the week on annual leave. Given these constraints,
 10 it will be difficult for Defendant to prepare its opposition in the allotted period.

11 5. To accommodate these scheduling conflicts, the parties are requesting that the briefing
 12 schedule be modified so that DOL's motion would be filed by August 1, 2023, and Plaintiff's cross-
 13 motion and opposition would be filed by October 2, 2023. This schedule would maintain the remaining
 14 dates, including the hearing on November 9, 2023.

15 6. The parties have previously stipulated to extend the deadline to respond to Plaintiff's
 16 Complaint. Dkt. No. 10. The parties also stipulated to continue the Initial Case Management
 17 Conference, Dkt. No. 19, and the Court continued the Initial Case Management Conference to March 9,
 18 2023, Dkt. No. 20. The Court also continued the Initial Case Management Conference from March 9,
 19 2023 to April 13, 2023. Dkt. No. 22. There have been no other time modifications in the case, whether
 20 by stipulation or Court order.

21 7. The requested modification of the briefing and hearing schedule should have no effect on
 22 the schedule for the case except as outlined above.

23 I declare under penalty of perjury that the foregoing is true and correct. Signed this 22nd day of
 24 May, 2023, in San Francisco, California.

25 /s/ Pamela T. Johann
 26 PAMELA T. JOHANN
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